

Objection to Ex Parte Order and Motion to Rescind or Modify

Use this form if you have been served with an ex parte domestic relations order for support, parenting time, or custody, and want to object to and change that order.

(Form FOC 61)

**STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY**

**OBJECTION TO EX PARTE ORDER AND
MOTION TO RESCIND OR MODIFY**

CASE NO.

Court address

Court telephone no.

Plaintiff's name, address, and telephone no.

v

Defendant's name, address, and telephone no.

I, _____, state:
Name of party filing motion

1. I have been served with an ex parte order in this case dated _____.

2. I object to the ☐ custody ☐ parenting time ☐ support provisions of that order because:

☐ If the dispute cannot be resolved by the Friend of the Court, I request a hearing be held to rescind or modify the ex parte order.

I declare that the statements above are true to the best of my information, knowledge, and belief.

Date

Signature of party filing motion

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of this motion to the other party and their attorney, if any, at the address stated above.

Date

Signature

OBJECTION/MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

- | | | |
|----|--|------------------------------|
| 1. | Fill out all requested information on the form? | YES <input type="checkbox"/> |
| 2. | Make all necessary copies? | YES <input type="checkbox"/> |
| 3. | Pay the objection/motion fee to the clerk? | YES <input type="checkbox"/> |
| 4. | Mail (serve) a copy of the objection/motion on the other party and on any other custodian/guardian ? | YES <input type="checkbox"/> |
| 5. | Return to the clerk's office after you mailed the objection/motion to the other party and completed the certificate of mailing? | YES <input type="checkbox"/> |
| 6. | Keep one copy of the objection/motion form for yourself? | YES <input type="checkbox"/> |
| 7. | Give 2 copies of the completed form to the clerk of the court? | YES <input type="checkbox"/> |

If you cannot answer "yes" to all of the above steps, a hearing on your objection/motion may be delayed or your objection/motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding an objection to an ex parte order for support, parenting time, or custody. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you what you want.

If you have any questions about any steps in the process, refer to pages 3 and 4 for details.

**INSTRUCTIONS FOR USING FORM FOC 61
FILING AN OBJECTION TO EX PARTE ORDER AND MOTION TO RESCIND OR MODIFY**

»» FILING A MOTION

1. Fill out the Objection/Motion form.

Use the instructions on the form. Be careful not to make mistakes.

Make at least 6 copies of the form and any attachments after you have filled it out.

2. File the Objection/Motion form with the county clerk.

Take the 6 copies of the form to the county clerk in the county where your case is located.

You must pay a \$20.00 motion fee. If you can't afford to pay the motion fee, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (Form MC 20 not included in this packet) to fill out.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and 1 copy of the objection/motion and any attachments for the court file and the friend of the court. Then the clerk will return 4 copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- 1 Copy of FOC 61 (with any attachments) - for you
- 1 Copy of FOC 61 (with any attachments) - for other party
- 1 Copy of FOC 61 - for proof of service to the court
- 1 Copy of FOC 61 - for proof of service to the friend of the court

»» SERVING THE OBJECTION/MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the Objection/Motion on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the objection/motion.

NOTE: Serve the papers by mailing them to the other party by regular, first class mail.

What you need for service:

- 1 Copy of FOC 61 (with any attachments) - for the other party
- 2 Copies of FOC 61 - for proof of service
- Any additional copies of FOC 61 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection/motion and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The county clerk will deliver 1 copy to the friend of the court.

3. Response from other party.

If you receive a response to your objection/motion from the other party, make sure you read it before you attend any hearing. Think about what you want to say on your behalf.